



**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**

July 23, 2021

Via Emailed PDF

Jeff Utz and Lee Sheehan
Goulston & Storrs, PC
1999 K Street, NW, 5th Floor
Washington, D.C. 20006

**Re: 225 Vine Street, NW (Square 3354, Lots 13 and 14) (the “Property”) –
21-Z-PDRM-00083**

Dear Jeff Utz and Ms. Sheehan:

This letter confirms the discussion you had with zoning technician Brittany Bullock on March 25, 2021 regarding a proposed project at 225 Vine Street, NW. Your client, 223 Vine Street, LLC, is proposing to combine the existing lots (Lots 13-14) into one lot and construct a new building (the “**Building**”) with 28 residential dwelling units (the “**Project**”). The plans the Project, including zoning information sheet, are attached as Exhibit A.

Lot Occupancy

The maximum permitted lot occupancy for residential buildings in the MU-4 Zone is sixty percent (60%), and seventy-five percent (75%) for IZ developments, pursuant to Subtitle G § 404.1. The attached plans show that the Project has a proposed lot occupancy of seventy-four and nine-tenths percent (74.9%)—or a building footprint of 11,229 square feet. Accordingly, the Project complies with the maximum lot occupancy requirements of the MU-4 Zone.

Building Height

The maximum permitted building height, not including the penthouse, in the MU-4 Zone is fifty feet (50 ft.), pursuant to Subtitle G § 403.1. There is no story limit in the MU-4 Zone. The plans show that the building height is fifty feet (50 ft.) from the BHMP to the top of the parapet. The building height was measured in accordance with B § 307.1.

Penthouse Height and Setbacks

You are proposing a penthouse. Pursuant to Subtitle G § 403.3, the height of a habitable penthouse in the MU-4 Zone is limited to twelve feet (12 ft.) in height (and fifteen feet (15 ft.) in height for mechanical space) and one (1) story. The penthouse and any other roof structures such as guardrails must be set back a distance equal to their respective heights from the exterior walls of the Property.

According to the plans, you are proposing a penthouse with habitable space, residential amenity space, an elevator and a stairs, along with a roof terrace. The height of the penthouse is proposed to be twelve feet (12 ft.). The penthouse will be set back at least twelve feet (12 ft.) or at a 1:1 ratio from the front, rear, and side walls of the roof.

Floor Area Ratio and Penthouse FAR

The subject MU-4 Zone permits a Floor Area Ratio (“FAR”) of 2.5 pursuant to Subtitle G § 402.1. An IZ development in the MU-4 Zone is permitted to have an FAR of 3.0. According to the plans, the Project is providing an FAR of 2.77 (41,617 square feet of gross floor area, and a lot area of 15,000 square feet). The Project is an IZ project. Accordingly, the Project complies with the FAR requirements of the MU-4 Zone.

Pursuant to Subtitle C § 1503.1(c), the habitable penthouse area will not count against FAR so long as it has a floor area ratio of less than four-tenths (0.4). The proposed habitable penthouse has a FAR of 0.29 (4,357 square feet), below 0.4, and the remaining penthouse area is mechanical. Accordingly, the penthouse area will not count against the total FAR for the Building.

Inclusionary Zoning (“IZ”)

IZ requires a building of non-Type I construction in the MU-4 Zone to provide the greater of ten percent (10%) of the residential gross floor area or seventy-five percent (75%) of the IZ bonus density utilized as IZ units. The Project provides 50,317 square feet, including cellar space (and excluding penthouse space), 10% of which is 5,032 square feet. Here, only 0.27 FAR of the bonus density is utilized (4,117 square feet), and 75% of that bonus density is 3,088 square feet, less than the 10% figure of 5,032 square feet noted above. Using the building’s efficiency factor of 0.8, the net square footage of the IZ units is 4,039 net square feet. Further, the penthouse habitable area is listed as 4,724 square feet (4,035 net square feet in units + 689 net square feet in common area) on the Zoning Sheet of the plans attached hereto. Such area would generate an IZ set-aside requirement of 472 net square feet.

Therefore, in total, the Project would require 4,511 net square feet of IZ space (4,035 net square feet + 472 net square feet). The Project provides 4,551 net square feet of IZ space.

Rear Yard Setback

A building in the MU-4 Zone is required to provide a fifteen-foot (15 ft.) rear yard. The plans show a rear yard of fifteen feet (15 ft.) Accordingly, the Project complies with the rear yard requirements of the MU-4 Zone.

Side Yard Setbacks

A side yard is not required in the MU-4 Zone but if provided it must be two inches (2 in.) wide for each one foot (1 ft.) of height of building but no less than five feet (5 ft.) (Subtitle G § 406.1). Based on a building height of fifty feet (50 ft.), the minimum side yard requirement is eight feet and four inches (8 ft. 4 in.). The Project is providing two side yards. The eastern and western side yards measure eight feet and four inches (8 ft. 4 in.). The portion of Level 1 that is located within this western open area does not create a court. Also, the Project includes Juliet balconies that extend into the side yards no more than two (2) feet and are permitted encroachments in such space in accordance with other similar encroachments described in Subtitle B § 323.2. Accordingly, the Project complies with the side yard requirements of the MU-4 Zone.

Parking

The parking requirement for a multi-family residential building is one [1] space for every three (3) units over four (4) units. The parking requirement may be reduced by fifty percent (50%) if the property is within one-half mile of a Metrorail Station (Subtitle C § 702.1). The Property is within one-half mile of the Takoma Park Metrorail station; therefore, the standard parking requirement may be reduced by fifty percent (50%).

Ordinarily, the parking requirement for a twenty-eight (28) unit multifamily building is eight (8) spaces. That may be reduced by 50% since it is within 0.5 mi. of a Metrorail station, for a total requirement of four (4) parking spaces. According to the plans, you are providing four (4) parking spaces; therefore, the Project complies with the parking requirements of Subtitle C.

Further, the parking spaces within the building structure are located more than twenty (20) feet away from the street lot line created by Vine Street, NW, in accordance with Subtitle C § 710.2(a).

Bicycle Parking

Pursuant to Subtitle C § 802.1, all residential uses with eight (8) or more dwelling units shall provide one (1) long-term bicycle parking space per three (3) units and one short-term bicycle parking space per twenty (20) units. For a residential development with twenty-eight (28) units, the requirement would be nine (9) long-term spaces and one (1) short-term space. You are providing fourteen (14) long-term spaces and one (1) short-term space. Accordingly, the Project meets the bicycle parking requirements.

Loading

There is no loading requirement for a multi-family residential building for a building with less than fifty (50) residential units (Subtitle C § 901.1). The Project has twenty-eight (28) units. Therefore, no loading is required for the Project.

Green Area Ratio

The minimum green area ratio in the MU-4 Zone is 0.3. The plans note that the proposed GAR is 0.33, which exceeds the requirement so as to be compliant.

Summary

Based on the attached plans, I find that the proposed Project complies with the general Zoning Requirements and the specific MU-4 Zone requirements. The Project is therefore permitted as a matter-of-right.

When you file the plans for a building permit, I will approve drawings consistent with the plans attached to this letter.

Please feel free to contact me if you have any questions.

Sincerely, Matthew Le Grant
Matthew Le Grant
Zoning Administrator

Attachment: Plan Set dated 3-31-2021

Reviewer: Brittany Bullock

Disclaimer: This letter is issued in reliance upon, and therefore limited to, the questions asked, and documents submitted in support of the request for a determination. The determinations reached in this letter are made based on the information supplied, and the laws, regulations, and policy in effect as of the date of this letter. Changes in the applicable laws, regulations, or policy, or new information or evidence, may result in a different determination. This letter is **NOT** a final decision of the Zoning Administrator that may be appealed under Section Y-302.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations), but instead is an advisory statement of how the Zoning Administrator would rule on an application if reviewed as of the date of this letter. Therefore, this letter does **NOT** vest an application for zoning or other DCRA approval process, which may only occur as part of the review of an application submitted to DCRA. This determination is limited to an interpretation of the Zoning Regulations, and I am not making any representations as to Building Code requirements or other D.C. laws.